

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KEITH COLE, JACKIE BRANNUM, RICHARD	§	
KING, MICHAEL DENTON, FRED WALLACE,	§	
and MARVIN RAY YATES, individually and on	§	
behalf of those similarly situated,	§	CIVIL ACTION NO.
	Plaintiffs,	4:14-cv-1698
	§	
v.	§	
	§	
BRYAN COLLIER, in his official capacity,	§	
ROBERT HERRERA, in his official capacity, and	§	
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,	§	
	§	
	Defendants.	§

**PLAINTIFFS' SUPPLEMENT IN SUPPORT OF JOINT MOTION TO APPROVE
CLASS ACTION SETTLEMENT**

Plaintiffs file this supplement in support of the joint motion to approve the class action settlement (Doc. 989).

I. Notice to Class Members

The Court-approved notice was provided to all class members. *See* Ex. 1, Declaration of Scott Medlock. After translating the notice into Spanish, English and Spanish copies of the notice were placed in a sealed envelope with a confidential letter from Class Counsel to the class members. These sealed envelopes were delivered to the Office of the Attorney General for delivery to all class members. All class members received their individualized copy of the sealed envelope.¹

¹ The sole exception is approximately 40 inmates who were released between when the class membership was set on March 6, 2018, and when the notices were delivered. These inmates, however, stopped being class members upon release from custody by operation of the settlement agreement. Thus, all current class members received notice.

After delivery of the notices, Class Counsel conducted in-person presentations for inmates at the Pack Unit. All inmates present at the prison on April 24, 2018 were invited to attend, and over 1,000 inmates attended presentations. Class Counsel used a PowerPoint presentation (attached as Exhibit 1-A) to explain class members' rights. Class members had an opportunity to ask questions after the presentation. The list of inmates attending the presentations is attached as Exhibit 2.

II. Opt Outs

Class Counsel has been diligently meeting with inmates who asked to "opt out" of the class. The vast majority of "opt out" inmates have spoken with Class Counsel, either by telephone or in person at the Pack Unit. To date, sixteen class members, after consultation with Class Counsel, desire to "opt out." Class Counsel has provided this list of names to Defense Counsel. *See* Ex. 1, Declaration of Scott Medlock.

III. Attorneys' Fees and Expenses

Class Counsel has performed an additional 389.1 hours of work on this matter that were not previously reported in Doc. 989. Class Counsel thus reports an additional incurred attorneys' fee of \$178,615.00, for a total fee of \$4,607,081.25. These additional hours primarily relate to meetings with class members to monitor settlement compliance, providing counsel to inmates seeking to "opt out" of the class, matters related to providing notice to class members, and preparing responses to pleadings filed by *pro se* inmates. *See* Ex. 1, Declaration of Scott Medlock. All these hours were reasonable and necessary to achieve the result in this litigation.

Dated: May 7, 2018.

Respectfully submitted,

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By /s/ Jeff Edwards

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

By my signature above, I certify that a true and correct copy of the foregoing has been served on all counsel of record through the Court's electronic filing system. A copy of the foregoing has been placed in the mail, with first class postage, to each inmate who filed an objection.

By /s/ Jeff Edwards
JEFF EDWARDS